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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

9 SHAWN DAMON BARTH,  
10 Petitioner,  
11 v.  
12 JOE A. LAZARRAGA, Warden,  
13 Respondent.

Case No. 19-05223 BLF (PR)

**ORDER VACATING JUDGMENT  
AND REOPENING ACTION;  
INSTRUCTIONS TO CLERK**

16 Petitioner, a state prisoner proceeding *pro se*, filed a writ of habeas corpus pursuant  
17 to 28 U.S.C. § 2254, challenging his state conviction. On October 1, 2019, the Court  
18 dismissed the action for Petitioner's failure to respond to the Clerk's notice directing him  
19 to either pay the filing fee or file an application to proceed *in forma pauperis* ("IFP").  
20 (Docket No. 6.) However, it now appears that Petitioner filed an IFP motion. (Docket No.  
21 8.) In the interest of justice, the judgment shall be vacated and the matter reopened.

22 The judgment entered on October 1, 2019, is hereby VACATED. The Clerk shall  
23 reopen this action.

**IT IS SO ORDERED.**

25 DATED: October 10, 2019

  
BETH LABSON FREEMAN  
United States District Judge

27 Order Reopening Action  
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